

### REMARKS

A new copy of the Specification and Claims as originally filed with lines double-spaced on good quality paper is provided.

Claims 5-9 are cancelled as drawn to a non-elected invention.

Claim 1 is amended to incorporate the customer commitment step of claim 3 and provide antecedent basis for the following step. Support is found in claim 3 as originally filed. Claim 3 is cancelled.

Claim 4 is amended above with the distinct terms "comprising" and "all" to clearly point out that all of the delivery plans, not just one must be established. Furthermore claim 4 now recites the step defined in the Specification for performing a review as conducting a meeting to examine written materials. Support is found in the Specification on page 5 lines 23-25, page 7 lines 20-25 and claim 4 as originally filed. No new matter is included. Entry is urged.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as indefinite. Claim 4 is amended above to overcome this rejection with the terms "comprising" and "all". Claim 4 is also rejected under 35 U.S.C. 101 as not a proper process claim. Claim 4 as amended and explained above now recites a step in definition of process, overcoming the rejection.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as anticipated by Eisner, "Essentials of Project and Systems Engineering Management". Although Eisner uses similar terminology and may describe some individual steps of the present invention, Applicants maintain that Eisner does not describe all steps and the particular combination found in claims 1, 2, and 4.

Specifically, claim 1 requires the performance of a first assurance review of said first solution to determine whether said first solution is technically viable, deliverable and includes technical risk identification, assessment, and containment plans. Eisner's alternatives Analysis and Evaluation process page 160-161 is directed to selecting a preferred system architecture from alternatives. Applicants' invention is not evaluating alternatives in this required step. Eisner does not describe Applicants' required determination of technical viability. Nor does Eisner describe Applicants' required determination of deliverability of the first solution. Eisner therefore does not completely describe Applicants' first assurance review.

Claim 1 also requires performing a second assurance review of said first solution to determine whether said first solution includes complete schedules, a complete cost and profit case, and said first solution satisfies both said provider business objectives and said customer need. This second assurance review has a business emphasis page 6 lines 15-16 in contrast to the first review which is technical. Eisner's Figure 7.3 page 155 shows a technical peer review 10 and feedback into alternative concepts and evaluations 6, 7, and 8. This technical peer review does not describe the business evaluations of the second assurance review of Applicants' claim 1, and is more closely related to Applicants' first assurance review. In particular Eisner does not describe a step of performing a review including all of the 4 business items recited in this step of Applicants claim 1.

Claim 1 further requires defining a second solution..., obtaining customer commitment..., and thereafter performing a first readiness review of said second solution to identify new issues or risks which arose during said obtaining customer commitment step, determining whether delivery plans are established, and establish baselines for performance and said profit case. Eisner does not describe all of this. Eisner's alternative Analysis and Evaluation page 160-161 does not describe an obtaining customer commitment step or identifying new issues which arose during said obtaining customer commitment step.

Furthermore, the inherently recursive nature of consistently searching for better solutions referred to by the Examiner does not apply to Applicants' claim 1. There is no recursiveness or consistently searching for better solutions in claim 1. Applicants' invention is directed to assuring the quality of solutions in the information technology service industry.

Applicants therefore maintain that Eisner does not describe all of the limitations in the steps of claim 1 nor the specific combination of steps in claim 1. Claim 1 is therefore allowable and such allowance is respectfully requested.

Claims 2 and 4 are dependent directly on allowable claim 1 are therefore also allowable.

The Application is deemed in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707.07 (j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Respectfully submitted,



John R. Pivnichny  
Reg. # 43,001

Phone: (607) 755-6565  
Fax: (607) 755-3250

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 3, and 5-9 have been cancelled.

Claims 1 and 4 have been amended as follows:

1. (Amended) A quality assurance method for a services solution, comprising the steps of:

defining a first solution by a provider having a business objective, for a customer having a need;

performing a first assurance review of said first solution to determine whether said first solution is technically viable, deliverable, and includes technical risk identification, assessment, and containment plans;

performing a second assurance review of said first solution to determine whether said first solution includes complete schedules, a complete cost and profit case, and said first solution satisfies both said provider business objectives and said customer need;

defining a second solution by said provider, by correcting any deficiencies identified in said first or second assurance reviews;

obtaining customer commitment to said second solution;

thereafter, performing a first readiness review of said second solution to identify new issues or risks which arose during said obtaining customer commitment step, determine whether delivery plans are established, and establish baselines for performance and said profit case;

periodically performing a project management review to verify said second solution is being managed as defined, meeting said profit case, and meeting said customer need; and

thereafter, performing a deliverable readiness review to verify that said second solution has been delivered to said customer and that said second solution satisfies said customer need.

2. (Not Amended) The method as set forth in claim 1, further comprising the step of performing a third assurance review of said second solution to determine whether said deficiencies have been satisfactorily corrected.

4. (Amended) The method as set forth in claim 1, wherein said first readiness review is performed by conducting a meeting to examine [to determine] whether written delivery plans comprising communication delivery plans, organization delivery plans, tracking delivery plans, change control delivery plans, quality management delivery plans, and reporting delivery plans are all established.